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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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EXAMINER

KAPADIA, MILAN S

ART UNIT

PAPER NUMBER

3626

DATE MAILED: 05/21/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

5

Office Action Summary

Application No.

09/496,783

Applicant(s)

LINTEL III ET AL.

Examiner

Milan S Kapadia

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 02/03/2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Notice to Applicant

1. This communication is in response to the application filed 3 February 2000. Claims 1-16 are pending.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 7 and 8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

(A) Claim 7 recites the limitation "said update circuitry " in line 1. There is insufficient antecedent basis for this limitation in the claim. It appears the antecedent basis for this limitation is in claim 1. For the purpose of prior art rejection, the examiner assumes claim 7 to be dependent on claim 1

(B) Claim 8 recites the limitations "said update circuitry " in line 1 and "the local database"

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in line 2. There is insufficient antecedent basis for these limitations in the claim. It appears the antecedent basis for these limitations are in claim 1. For the purpose of prior art rejection, the examiner assumes claim 8 to be dependent on claim 1

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 1, 2, 3, 10, 12, 13, 14, and 15 are rejected under 35 U.S.C. 102(e) as being anticipated by Spurgeon et al. (5,890,129).

(A) As per claim 1, Spurgeon discloses system for exchanging health care insurance information comprising:

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a central information system having a global database (Spurgeon; col.6, lines 42-43; the examiner interprets the "insurer computer" as a "central information system");

a plurality of provider office systems (Spurgeon; fig. 1), each provider office system comprising:

a local database (Spurgeon; col.8, lines 39-41);

processing circuitry for:

accessing said database for insurance information related to a patient's insurance plan (Spurgeon; col.9, lines 8-10; note subscriber's data comprises of information relating to patient's insurance plan (Spurgeon; col.6, lines 29-32));

generating revisions to said insurance information (Spurgeon; col.9, lines 10-15); and

uploading said revisions to said central information system (Spurgeon; col.9, lines 15-19); and

wherein said central information system includes update circuitry for receiving said revisions from each of said provider office systems and generating updates to said local databases of all of said provider office systems responsive thereto (Spurgeon; col.8, lines 52-57).

(B) As per claim 2, Spurgeon discloses revisions include additional insurance information not in said local database (Spurgeon; col. 9, lines 58-61; the examiner interprets "claims" as "information not in said local database.")

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- (C) As per claim 3, Spurgeon discloses revisions include changes to insurance information already in said local database (Spurgeon; col. 9, lines 10-15; the examiner interprets "demographics" as "information already in said local database.")
- (D) As per claim 10, Spurgeon discloses wherein said local databases store encrypted insurance information (Spurgeon; col. 8, lines 22-27).
- (E) As per claim 12, Spurgeon discloses insurance information includes patient eligibility information (Spurgeon; col. 6, lines 29-32).
- (F) As per claim 13, Spurgeon discloses insurance information includes patient benefit information (Spurgeon; col. 6, lines 29-32).
- (G) As per claim 14, Spurgeon discloses insurance information includes doctor referral information (Spurgeon; col. 10, lines 45-48); the examiner interprets "prior authorization requests" as "information includes doctor referral information.")
- (H) As per claim 15, Spurgeon discloses referral information is submitted using electronic forms (Spurgeon; figures 10-16 and col. 10, lines 45-54).

Claim Rejections - 35 USC § 103

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6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 4, 5, 6, 7, 8, 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spurgeon et al (5,890,129) as applied to claims 1 and 3 above, and further in view of Hussey (5,826,269).

(A) As per claim 4, Spurgeon fails to expressly disclose wherein said processing circuitry uploads said revisions using e-mail. However, this feature is old and well known in the art as evidenced by Hussey's teachings with regards to uploading revisions to the records of the database maintained by the server via e-mail (Hussey; col. 11, lines 38-55). It would have been obvious to one having ordinary skill in the art at the time the invention was made to expand Spurgeon's system for exchanging health care insurance information to include the option to upload revisions using email, as taught by Hussey, with the motivation of providing an efficient networked system which enables the server to handle requests at a later time, thus avoiding tying up network resources (Hussey; col. 3, lines 28-30).

(B) As per claim 5, Spurgeon fails to expressly disclose wherein said update circuitry

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verifies said revisions prior to redistributing said revisions. However, this feature is old and well known in the art as evidenced by Hussey's teachings with regards to verifying the validity of an update request at the server (Hussey; col. 11, lines 28-37 and fig. 7). It would have been obvious to one having ordinary skill in the art at the time the invention was made to expand Spurgeon's system for exchanging health care insurance information to include verifying the revisions prior to redistribution, as taught by Hussey, with the motivation of determining whether the submitted request is valid (Hussey; col. 11, lines 28-29).

(C) As per claim 6, Spurgeon discloses wherein said update circuitry verifies said revisions using electronic data interchange (Spurgeon; col. 7, lines 8-27; the examiner interprets the reformatting of data to be compatible with insurer or provider as a form of electronic data interchange).

(D) As per claim 7, Spurgeon fails to expressly disclose said update circuitry includes an e-mail server. However, this feature is old and well known in the art as evidenced by Hussey's teachings with regards to uploading revisions to the records of the database maintained by the server via e-mail (Hussey; col. 11, lines 38-55 and fig. 1). It would have been obvious to one having ordinary skill in the art at the time the invention was made to expand Spurgeon's system for exchanging health care insurance information to include an e-mail server, as taught by Hussey, with the motivation of providing an

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efficient networked system which enables the server to handle requests at a later time, thus avoiding tying up network resources (Hussey; col. 3, lines 28-30).

(E) As per claims 8 and 9, Spurgeon fails to expressly disclose wherein said update circuitry sends updates to the local databases as attachments, which include one or more SQL instructions, to an e-mail message. However, this feature is old and well known in the art as evidenced by Hussey's teachings with regards to updating records of an identified database via an email attachment having SQL instructions (Hussey; col. 11, lines 38-45; the examiner notes that the "identified database" could be said "local database"). It would have been obvious to one having ordinary skill in the art at the time the invention was made to expand Spurgeon's system for exchanging health care insurance information to include sending updates to local databases as attachments which include one or more SQL instructions, as taught by Hussey, with the motivation of including the ability to utilize customized e-mail forms built with generally available e-mail form software tools to submit database record information in an easy to parse, standardized format (Hussey; col. 11, lines 45-50).

8. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Spurgeon et al (6,021,397) as applied to claim 10 above and further in view of InfoWorld ("Personal Librarian 3.0 for Windows Revamp Appeals to End-User," InfoWorld, August 31, 1992).

(F) As per claim 11, Spurgeon fails to expressly disclose wherein records in said

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local database include a fuzzy logic search field, in which multiple records in said local databases map to a given value in said fuzzy search field. However InfoWorld discloses a product, which allows a user to define data fields for records and make it possible to sort the results by the data field (InfoWorld; page 2, paragraph 7; It is respectfully submitted that the data field could be a fuzzy search field and multiple records may contain data fields with a given value). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Spurgeon's system for exchanging health care insurance information to include a fuzzy logic search field in the database, as taught by InfoWorld, with the motivation of restricting searches to the fuzzy search field (InfoWorld; page 3, paragraph 13).

9. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Spurgeon et al (5,890,129) as applied to claim 15 and further in view of Donohue et al. (5,987,480).

(A) As per claim 16, Spurgeon fails to expressly disclose wherein said electronic forms comprise a first text file defining a form image stored in said local data base and a second text file defining data associated with respective fields on said form. However, this feature is old and well known in the art as evidenced by Donohue's teachings with regards to delivering documents customized for a particular user over the Internet using imbedded dynamic content (Donohue; abstract, fig. 1, and col. 3, line 54-col. 4, line 4; The examiner interprets the "document template" as a "form image" and the "data source" as "data associated with respective fields in said form.") It would have been

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obvious to one having ordinary skill in the art at the time the invention was made to modify Spurgeon's system for exchanging health care insurance information to include a first text file defining a form image stored in said local data base and a second text file defining data associated with respective fields on said form, as taught by Donohue, with the motivation of providing web pages to users which are customized and individualized to each user's particular needs and interests (Donohue; col. 3, lines 9-11).

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited but not applied art teaches a computer system and method for accessing medical information over a network that ensures synchronization (5,915,240); a system and method for notification and access of patient care information being simultaneously entered (5,946,659); and an integrated healthcare information system and database solution ("New Company Revolutionizes Healthcare Information Market," Business Wire, December 16, 1998).

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Milan S Kapadia whose telephone number is 703-305-3887. The examiner can normally be reached on Monday through Friday, 8:30 A.M. to 5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on 703-305-9588. The fax phone numbers for the


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organization where this application or proceeding is assigned are 703-746-7238 for regular communications and 703-746-7239 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

mk

May 17, 2002


JOSEPH THOMAS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600